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PATENT AND TRADEMARK OFFICE

Attorney Docket No.: **Juniper-10 (JNP-0044)**

Appl. No.: **09/734,324**

Appellant: **Robert P. ENNS**

Filed: **December 1, 2000**

Title: **COMPARING CONFIGURATION INFORMATION FOR A DATA  
FORWARDING DEVICE**

TC/A.U.: **2145**

Examiner: **Thomas Duong**

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S I R:

**APPEAL BRIEF**

Further to the Notice of Appeal filed on September 5, 2006 which set a period for response to expire on November 5, 2006, that period being extended one (1) month to expire on December 5, 2006, the Appellant requests that the Board reverse all outstanding grounds of rejection in view of the following.

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**I. Real Party In Interest**

The real party in interest is Juniper Networks. An assignment of the above-referenced patent application from the inventors to Juniper Networks was recorded in the Patent Office starting at Frame 0447 of Reel 011703.

**II. Related Appeals and Interference**

There are no related appeals or interferences.

**III. Status of Claims**

Claims 2-4, 6-11, 13-20 and 22-33 are pending.

Claims 2-4, 6-9, 11, 14-20, 23, 24 and 29-32 have been withdrawn, with traverse. ***The final restriction requirement has been petitioned. Since a decision on the petition has not yet been made, the appellant will discuss all of the pending claims, including the withdrawn claims.*** In the case of any withdrawn claims not addressed in the Examiner's most recent final Office Action (Paper No. 20060526), the Examiner's positions expressed in an earlier Office Action are discussed. Since even the withdrawn claims have been twice rejected, their appeal is proper.

Claims 2-4, 6-11, 13-20 and 22-33 stand rejected. More specifically, Claims 2-4, 6-9, 13-18, 20, 22, 23, 25, 26, 31 and 32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,349,306 ("the Malik patent"). Claims 10, 11, 19, 24, 27-30, and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Malik patent.

The rejections of claims 2-4, 6-11, 13-20 and 22-33 are appealed.

**IV. Status of Amendments**

There were no amendments filed subsequent to the final Office Action mailed on June 2, 2006 (Paper No. 20060526).

**V. Summary of the Claimed Subject Matter**

Independent claim 4 claims a method for determining differences, if any, between at least a part of candidate configuration information for the data forwarding device (See, e.g., Figure 3, 273'.), and at least a part of a selected set of configuration information for the data forwarding device (See, e.g., Figure 3, 152' or 154'.) by (a) accepting at least a part of a selected set of configuration information for a data forwarding device (See, e.g., Figure 5, 510, and page 17, lines 14 and 15.), (b) accepting at least a part of a set of candidate configuration information for the data forwarding device (See, e.g., Figure 5, 530 or 540, and page 17, lines 15-21.), and (c) determining differences, if any, between the at least a part of the set of candidate configuration information, and the at least a part of the selected set of configuration information (See, e.g., Figure 5, 570, page 11, line 28 through page 12, line 9, and page 18, line 3 through page 19, line 4.). The set of candidate configuration information for the data forwarding device includes a plurality of statements. Specifically, a first statement of the plurality of statements of the set

of candidate configuration information for the data forwarding device contains a second statement of the plurality of statements to define at least a part of a hierarchical configuration (See, e.g., Figure 7, page 14, lines 7-21, and page 16, line 29 through page 17, line 9.). Similarly, the selected set of configuration information for the data forwarding device includes a plurality of statements. Specifically, a first statement of the plurality of statements of the selected set of configuration information for the data forwarding device contains a second statement of the plurality of statements to define at least a part of a hierarchical configuration (See, e.g., Figure 7, page 14, lines 7-21, and page 16, line 29 through page 17, line 9.). Finally, the at least part of the set of candidate configuration information only includes a defined first statement and any of the plurality of statements that are descendants of the defined first statement in the hierarchical configuration, and the at least part of the selected set of configuration information includes a corresponding first statement and any of the plurality of statements that are descendants of the defined first statement in the hierarchical configuration. (See, e.g., page 12, lines 11-15 and page 19, lines 6-12.)

Independent claim 10 claims a method for determining differences, if any, between at least a part of candidate configuration information for the data forwarding device, and at least a part of a selected set of configuration information for the data forwarding device by (a) accepting at least a part of a selected set of configuration information for a data forwarding device

(See, e.g., Figure 5, 510, and page 17, lines 14 and 15.), (b) accepting at least a part of a set of candidate configuration information for the data forwarding device (See, e.g., Figure 5, 530 or 540, and page 17, lines 15-21.), and (c) determining differences, if any, between the at least a part of the set of candidate configuration information, and the at least a part of the selected set of configuration information (See, e.g., Figure 5, 570, page 11, line 28 through page 12, line 9, and page 18, line 3 through page 19, line 4.) The act of accepting at least a part of a selected set of configuration information for a data forwarding device is performed by accessing a storage device of the data forwarding device, the act of accepting at least a part of a set of candidate configuration information for the data forwarding device is performed by accessing a storage device of the data forwarding device (See, e.g., Figures 2 and 3, 150' and 273, page 7, lines 7-10, and page 11, line 28 through page 12, line 9.), and the act of determining differences, if any, between the at least the part of the set of candidate configuration information for the data forwarding device, and the at least the part of the selected set of configuration information for the data forwarding device is performed by a component of the data forwarding device. (See, e.g., Figure 3, 272', Figure 2, 272, and page 11, line 28 through page 12, line 9.)

Independent claim 11 claims a method for determining differences, if any, between at least a part of candidate configuration information (See, e.g., Figure 3, 273'.) for the data forwarding device, and at least a part of a

selected set of configuration information (See, e.g., Figure 3, 152' or 154'.) for the data forwarding device by (a) accepting at least a part of a selected set of configuration information for a data forwarding device (See, e.g., Figure 5, 510, and page 17, lines 14 and 15.), (b) accepting at least a part of a set of candidate configuration information for the data forwarding device (See, e.g., Figure 5, 530 or 540, and page 17, lines 15-21.), and (c) determining differences, if any, between (the at least a part of) the set of candidate configuration information, and (the at least a part of) the selected set of configuration information (See, e.g., Figure 5, 570, page 11, line 28 through page 12, line 9, and page 18, line 3 through page 19, line 4.). The set of candidate configuration information for the data forwarding device includes a plurality of statements, the selected set of configuration information for the data forwarding device includes a plurality of statements, and the act of determining differences, if any, between the at least a part of the set of candidate configuration information, and the at least a part of the selected set of configuration information, considers changes to statements without regard to parameter values. (See, e.g., page 3, lines 1 and 2, page 10, lines 20-22.)

Independent claim 13 claims a facility, provided in a data forwarding device, for checking at least a part of a set of candidate configuration information. The facility includes (a) a storage device for storing at least one set of configuration information for the data forwarding device (See, e.g., Figure 2, 150' and 273, page 7, line 15 through page 8, line 25, Figure 20, 2020,

and page 20, lines 7-25.), (b) an input facility for accepting at least a part of a selected one of the at least one set of configuration information for a data forwarding device, and accepting at least a part of a set of candidate configuration information for the data forwarding device (See, e.g., Figure 2, 170' and 272, page 7, lines 7-10, page 8, lines 12-18, and Figure 3, 310c.), and (c) a configuration comparison facility for determining differences, if any, between at least a part of the set of candidate configuration information for the data forwarding device, and at least a part of the selected one of the at least one set of configuration information for the data forwarding device (See, e.g., Figure 3, 310c, and page 11, line 28 through page 12, line 9.).

Independent claim 14 claims method for determining differences in at least a part of sets of configuration information, by (a) accepting at least a part of a first set of configuration information for a data forwarding device, wherein the first set of configuration information has not been saved on the data forwarding device as a committed configuration, and wherein no copied instance of the first set of configuration information has been saved on the data forwarding device as a committed configuration (See, e.g., page 1, lines 9-11, page 23, lines 20-22, Figure 5, 510, and page 17, lines 14 and 15.), (b) accepting at least a part of a second set of configuration information for the data forwarding device, wherein the second set of configuration information has been saved on the data forwarding device (See, e.g., Figure 5, 530 or 540, and

page 17, lines 15-21.), and (c) determining differences, if any, between the first set of configuration information, and the second set of configuration information (See, e.g., Figure 5, 570, page 11, line 28 through page 12, line 9, and page 18, line 3 through page 19, line 4.).

Independent claim 22 claims a facility, in a data forwarding device, for comparing at least a part of sets of configuration information (See, e.g., Figure 2, 170' and 272 and Figure 3, 272', and page 11, line 28 through page 12, line 9.). The facility includes (a) a storage device for storing at least two sets of configuration information for the data forwarding device (See, e.g., Figure 2, 150' and 273, page 7, line 15 through page 8, line 25, Figure 20, 2020, and page 20, lines 7-25.), (b) an input facility for accepting at least a part of a first selected one of the at least two sets of configuration information for the data forwarding device, and accepting at least a part of a second selected one of the at least two sets of configuration information for the data forwarding device (See, e.g., Figure 2, 170' and 272, page 7, lines 7-10, page 8, lines 12-18, and Figure 3, 310c.), and (c) a configuration comparison facility for determining differences, if any, between the first selected one of the at least two sets of configuration information for the data forwarding device, and the second selected one of the at least two sets of configuration information for the data forwarding device (See, e.g., Figure 3, 310c and page 11, line 28 through page 12, line 9.).



Independent claim 23 claims a method for determining, with a data forwarding device, differences between the first and second sets of configuration information, by (a) receiving with a data forwarding device, a first set of configuration information for the data forwarding device, wherein the first set of configuration information has not yet been committed on the data forwarding device, and wherein no copied instance of the first set of configuration information has been saved on the data forwarding device as a committed configuration (See, e.g., Figure 5, 510, page 1, lines 9-11, page 23, lines 20-22, and page 17, lines 14 and 15.), (b) receiving with the data forwarding device, a second set of configuration information for the data forwarding device (See, e.g., Figure 5, 530 and 540, and page 17, lines 15-21.), and (c) determining with the data forwarding device, differences between the first and second sets of configuration information (See, e.g., Figure 5, 570, page 11, line 28 through page 12, line 9, and page 18, line 3 through page 19, line 4.).

Independent claim 25 claims a data forwarding device comprising (a) a memory storing a first set of configuration information and a second set of configuration information for the data forwarding device (See, e.g., Figure 2, 150' and 273, page 7, line 15 through page 8, line 25, Figure 20, 2020, and page 20, lines 7-25.) and (b) a processing module for determining differences between the first and second sets of configuration information stored in the memory (See, e.g., Figure 2, 272, Figure 3, 272', Figure 20, 2010 and page 20, lines 14 and 15.).

Finally, independent claim 26 claims a data forwarding device comprising (a) a plurality of data interfaces for connection to respective data lines, (b) mechanism for forwarding data from one data interface to another data interface (See, e.g., Figure 2, 210.), (c) a user interface for entering configuration information (See, e.g., Figure 2, 170' and 272, page 7, lines 7-10, page 8, lines 12-18, and Figure 3, 310c.), (d) a memory storing a first set of configuration information and a second set of configuration information (See, e.g., Figure 2, 150' and 273, page 7, line 15 through page 8, line 25, Figure 20, 2020, and page 20, lines 7-25.), and (e) a processing module for determining differences between the first and second sets of configuration information stored in the memory (See, e.g., Figure 2, 272, Figure 3, 272', Figure 20, 2010 and page 20, lines 14 and 15.).

Embodiments, consistent with the claimed invention, may be used to help users to detect errors in a candidate configuration information, for example, before committing to that candidate configuration information. Scoping capabilities may be used to limit a compare configurations operation, thereby permitting users to work on smaller, more manageable parts of sets of configuration information. (See, e.g., page 23, lines 20-25.)

## **VI. Grounds of Rejection to be Reviewed on Appeal**

The issues presented for review are whether (separately patentable groups of) claims:

2-4, 6-9, 13-18, 20, 22, 23, 25, 26, 31 and 32 are anticipated by U.S. Patent No. 6,349,306 ("the Malik patent"); and

10, 11, 19, 24, 27-30 and 33 are unpatentable over the Malik patent.

## **VII. Argument**

The Appellant respectfully requests that the Board reverse the final rejection of claims 2-11, 13-20 and 22-33 in view of the following.

### **Rejections under 35 U.S.C. § 102**

Claims 2-4, 6-9, 13-18, 20, 22, 23, 25, 26, 31 and 32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,349,306 ("the Malik patent"). The appellant respectfully requests that the Board reverse this ground of rejection.

Notwithstanding the grouping of the claims below, the Appellant reserves the right to amend the claims in the event that a new ground of rejection is presented.

Before addressing the patentable features of the various claims, the appellant will introduce the Malik patent. The Malik patent concerns network management, including remote, centralized configuration of devices on the network. (See, e.g., Figure 1, column 3, lines 13-23, and column 5, lines 35-43.) In the Malik patent, a "configuration" is defined as a particular setting of device parameters that govern the operational characteristics of a network device (See, e.g., column 1, lines 22-24.), or all attribute/value pairs obtained by interrogating selected models through a template (See, e.g., column 3, lines 59-61.). In the Malik patent, "models" are defined as representing different associated network devices, and each model includes attribute values for parameters of the particular network device. (See, e.g., column 2, lines 11-13.) Finally, in the Malik patent a "template" is defined as a list of attributes for a device of a certain model type. (See, e.g., column 3, lines 24-26.)

To reiterate, as shown in Figure 1, the configuration management system 18 is separate from the device of a live network 10 actually being configured. ***This remote, centralized configuration management does not teach, nor does it suggest, comparisons by a data forwarding device of configurations, for the data forwarding device, stored on the data forwarding device.***

In the Malik patent, a verification step permits the comparison of attribute/value pairs of a loaded (i.e., saved) configuration of a model with the actual attribute/value pairs captured from the model, and the display of the results of such a comparison. (See, e.g., column 9, lines 20-27.) The output may be a report of

discrepancies between attribute/value pairs after the comparison. (See, e.g., column 7, lines 34-42.) More specifically, in the Malik patent, the verify option enables a user to verify whether the actual attribute values of a model match previously loaded attribute values of a created configuration. (See, e.g., column 8, lines 14-16.) ***Thus, the verify configuration function in the Malik patent is limited to comparing values of attributes in two configurations -- one configuration as loaded to a device, and the other as read from the device. The teaching does not extend to comparing a configuration that has not been loaded and committed on a device with an instance or copy of the configuration that has been saved on the device, nor does it extend to comparing statements without regard to parameter values in such configurations.***

Although the Malik patent discusses displaying hierarchical relationships between network devices of a network (See, e.g., Column 4, lines 58-61.), this has nothing whatsoever to do with hierarchically arranged statements in a configuration.

Having introduced the Malik patent, separately argued claims or groups of claims are presented below.

#### ***Group Consisting of Claims 2-4 and 8<sup>1</sup>***

Independent claim 4 is not anticipated by the Malik patent because the Malik patent does not teach comparing at least portions of configurations with hierarchical statements, where the comparison of configurations only

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<sup>1</sup> These claims were "withdrawn" with traverse. The propriety of the final Restriction Requirement has been petitioned, though a decision on that petition has not been made as of the time of the filing of this Appeal Brief.

includes a first statement and descendants from the first statement. Claim 4, is reprinted below with this feature in bold typeface:

4. A method comprising:
  - a) accepting at least a part of a selected set of configuration information for a data forwarding device;
  - b) accepting at least a part of a set of candidate configuration information for the data forwarding device; and
  - c) determining differences, if any, between
    - the at least a part of the set of candidate configuration information for the data forwarding device, and
    - the at least a part of the selected set of configuration information for the data forwarding device,wherein the set of candidate configuration information for the data forwarding device includes a plurality of statements,  
**wherein a first statement of the plurality of statements of the set of candidate configuration information for the data forwarding device contains a second statement of the plurality of statements to define at least a part of a hierarchical configuration,**  
wherein the selected set of configuration information for the data forwarding device includes a plurality of statements,  
**wherein a first statement of the plurality of statements of the selected set of configuration information for the data forwarding**

device contains a second statement of the plurality of statements to define at least a part of a hierarchical configuration,

wherein the at least the part of the set of candidate configuration information only includes a defined first statement and any of the plurality of statements that are descendants of the defined first statement in the hierarchical configuration, and

wherein the at least the part of the selected set of configuration information includes a corresponding first statement and any of the plurality of statements that are descendants of the defined first statement in the hierarchical configuration. [Emphasis added.]

As stated on lines 22-25 of page 23 of the present application, this feature is advantageous because such hierarchical scoping capabilities may be used to limit a compare configurations operation, thereby permitting users to work on smaller, more manageable parts of sets of configuration information. Irrelevant parts of a large, complex configuration need not be compared. The Malik patent does not teach such features.

The Examiner contends that the Malik patent teaches this feature, citing column 3, lines 46-51, column 4, lines 8-12, column 6, lines 31-35 and 39-47, and Figure 3. (See Paper No. 11182004, page 2.) However, these sections of the Malik patent merely concern attributes of a configuration and attribute values of a configuration. The Malik patent cites and incorporates U.S. Patent No. 5,261,044 ("the Dev patent"), which discusses hierarchical **relations** between models. However, this is

not relevant to the presently claimed invention because ***model relations and associations has nothing to do with relationships between configuration statements in a configuration.***

The Examiner contends that Malik refers to a list of attributes in the configuration and their instance IDs, if any, and concludes that this implies that a particular attribute may contain one or more sub-attributes, citing Figure 3. (See Paper No. 07222005, page 4.) However, the Malik patent merely discusses a list of attributes in a configuration. All this implies is that the configuration can have more than one attribute. The underscoring used in Figure 3 of the Malik patent does not denote a hierarchical relationship, but is merely part of the attribute name. Finally, even assuming, arguendo, that the Malik patent teaches or suggests hierarchical attributes, the claimed invention concerns hierarchical statements of a configuration.

The Examiner also contends that editing a particular section of a configuration implies a step of comparing. (See Paper No. 11182004, page 3.) However, ***editing*** statements is different from ***comparing*** statements.

Finally, the Examiner contends that the Malik patent refers to router configuration files, which are known to follow a hierarchical structure. (See Paper No. 07222005, page 5.) Even assuming, arguendo, that this is true, the particular way in which the claimed invention compares parts of hierarchical configurations is neither taught, nor suggested, by the Malik patent.

The Examiner contends that claim 5 (along with claims 6-9 and 15-18) merely "describe the act of editing a network device's configuration (i.e. a router's



configuration)", which "is well know to one of ordinary skill in the art at the time the invention was made."  
(Paper No. 07222005, page 6.) The appellant respectfully disagrees, and respectfully submits that the Examiner is grossly simplifying and generalizing the claim language, effectively ignoring various features of the claims. This is improper. The Court of Appeals for the Federal Circuit ("the CAFC") has repeatedly emphasized that anticipation is established **only if** all elements of an invention, **as stated in a patent claim, are identically set forth**, in a single prior art reference. That is, anticipation requires strict identity, not merely substantial identity.

Accordingly, independent claim 4 is not anticipated by the Malik patent for at least these reasons. Since claims 2, 3, and 8 depend from claim 4, these claims are similarly not anticipated by the Malik patent.

#### **Claim 6<sup>2</sup>**

Since claim 6 depends from claim 4, it is not anticipated by the Malik patent for at least those reasons discussed above with reference to claim 4. Further, dependent claim 6 is not anticipated by the Malik patent because it recites that the first statement is based on a statement of hierarchical candidate configuration on which the user is presently working.

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<sup>2</sup> This claim was "withdrawn" with traverse. The propriety of the final Restriction Requirement has been petitioned, though a decision on that petition has not been made as of the time of the filing of this Appeal Brief.

**Claim 7<sup>3</sup>**

Since claim 7 depends from claim 4, it is not anticipated by the Malik patent for at least those reasons discussed above with reference to claim 4. Further, dependent claim 7 is not anticipated by the Malik patent because it further recites that the first statement is selected by a user.

**Claim 9<sup>4</sup>**

Since claim 9 depends from claim 4, it is not anticipated by the Malik patent for at least those reasons discussed above with reference to claim 4. Further, dependent 9 is not anticipated by the Malik patent because it recites associating a predetermined permission value with a user that is logged in, and determining whether the logged in user is permitted to access one of at least two categories at a given hierarchical level of configuration information based on the predetermined permission. In this way, the users permitted to access and/or edit various hierarchical levels and categories of configuration information may be limited.

**Group Consisting of Claims 13, 22, 25 and 26**

Independent claims 13, 22, 25 and 26 are not anticipated by the Malik patent because the Malik patent does not teach ***comparing, with a data forwarding device, configurations for that particular data forwarding***

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<sup>3</sup> This claim was "withdrawn" with traverse. The propriety of the final Restriction Requirement has been petitioned, though a decision on that petition has not been made as of the time of the filing of this Appeal Brief.

<sup>4</sup> This claim was "withdrawn" with traverse. The propriety of the final Restriction Requirement has been petitioned, though a decision on that petition has not been made as of the time of the filing of this Appeal Brief.

**device.** In at least some of these claims, one or both configurations are stored on the particular data forwarding device.

As discussed above, the Malik patent teaches a remote, centralized configuration management. For example, as shown in Figure 1, the configuration management system 18 is separate from the device of a live network 10 actually being configured.

The Examiner contends that the acts of loading and verifying configurations teaches this. (See Paper No. 20060526, page 6.) This does not teach comparisons by a data forwarding device of configurations for the particular data forwarding device, stored on the data forwarding device. Rather, this comparison is done at a central location, not at the data forwarding device for which the configuration will be used. Accordingly, independent claims 13, 22, 25 and 26 are not anticipated by the Malik patent for at least this reason.

The applicant notes that in the rejection of claim 10 under 35 U.S.C. § 103 (discussed below), the Examiner concedes that the Malik patent does not disclose that the comparison of configurations for a data forwarding device, stored on the data forwarding device, is done on the data forwarding device itself. (See Paper No. 20060526, page 11.) Thus, these claims cannot be anticipated by the Malik patent. Furthermore, these claims are not rendered obvious by the Malik patent for reasons discussed below with reference to claim 10.

**Group Consisting of Claims 14-18 and 23<sup>5</sup>**

Independent claim 14 is not anticipated by the Malik patent because the Malik patent does not verify or compare configurations **before** a candidate configuration (or a copied instance thereof) is loaded or committed to a data forwarding device. Claim 14 is reprinted below with this feature depicted in bold typeface:

A method for determining differences in at least a part of sets of configuration information, comprising:

- a) accepting at least a part of a first set of configuration information for a data forwarding device, **wherein the first set of configuration information has not been saved on the data forwarding device as a committed configuration, and wherein no copied instance of the first set of configuration information has been saved on the data forwarding device as a committed configuration;**
- b) accepting at least a part of a second set of configuration information for the data forwarding device, **wherein the second set of configuration information has been saved on the data forwarding device;** and
- c) determining differences, if any, between
  - the first set of configuration information for a data forwarding device, and
  - the second set of configuration information

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<sup>5</sup> These claims were "withdrawn" with traverse. The propriety of the final Restriction Requirement has been petitioned, though a decision on that petition has not been made as of the time of the filing of this Appeal Brief.

for a data forwarding  
device. [Emphasis added.]

As stated in the specification, one advantage of the present invention is that it helps users to detect errors in candidate configuration information, for example, **before committing to that candidate configuration** information. (See, e.g., page 23, lines 20-22.) This can be important since a committed configuration can begin to affect the network of which the data forwarding device is a part.

On the other hand, in the Malik patent, the verify operation, cited by the Examiner as teaching the claimed invention, is used to confirm whether a load was actually successful or not. More specifically, when a load is commanded, a configuration is loaded from a central terminal to an actual networking device (referred to as a "model"). A user might want to know if the configuration was actually loaded properly. To check this, the user can use the verify operation to capture the actual configuration, as it exists on the model, and compare it to the configuration that was loaded to the model. To put it more simply, in the Malik patent, the load command is like a write command, where the configuration is sent from a central location to a remote device to be written onto the remote device. The verify command is like a read and compare command. The **previously loaded** configuration is compared with a configuration actually read from the device. **If the load was successful, the two configurations should be the same since the loaded configuration is merely a copy or instance of the original configuration.** In any event, the comparison

occurs after the user already committed the configuration to the device.

In view of the foregoing, claim 14 is not anticipated by the Malik patent for at least this reason. Since claims 15-18 depend, either directly or indirectly from claim 14, they are similarly not anticipated by the Malik patent. Since claim 23 includes a similar feature, it is similarly not anticipated by the Malik patent. Since claim 24 depends from claim 23, it is similarly not anticipated by the Malik patent.

Claims 14 and 23 clearly distinguish the claimed invention from the verify operation of the Malik patent in which a loaded copy of a configuration is compared to another instance of the same configuration.

#### ***Claim 20<sup>6</sup>***

Since claim 20 depends from claim 14, it is not anticipated by the Malik patent for at least those reasons discussed above with reference to claim 14. Further, dependent claim 20 recites a feature similar to that discussed below with reference to claim 11. Accordingly, claim 20 is further not anticipated by the Malik patent for the reason discussed below with reference to claim 11.

#### **Rejections under 35 U.S.C. § 103**

Claims 10, 11, 19, 24, 27-30 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the

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<sup>6</sup> This claim was "withdrawn" with traverse. The propriety of the final Restriction Requirement has been petitioned, though a decision on that petition has not been made as of the time of the filing of this Appeal Brief.

Malik patent. The appellant respectfully requests that the Board reverse this ground of rejection.

**Group Consisting of Claims 10, 19, 24, 27-30 and 33**

Independent claim 10 is not rendered obvious by the Malik patent because the Malik patent neither teaches, nor suggests, **comparing, with a data forwarding device, configurations for that particular data forwarding device**. Claim 10 is reprinted here with this feature depicted in bold typeface:

A method comprising:

- a) accepting at least a part of a selected set of **configuration information for a data forwarding device**;
- b) accepting at least a part of a set of **candidate configuration information for the data forwarding device**; and
- c) **determining differences, if any, between**
  - the at least a part of the set of **candidate configuration information** for the data forwarding device, and
  - the at least a part of the **selected set of configuration information** for the data forwarding device,**wherein the act of accepting at least a part of a selected set of configuration information for a data forwarding device is performed by accessing a storage device of the data forwarding device,**
  - wherein the act of accepting at least a part of a set of candidate configuration information**

for the data forwarding device is performed by accessing a storage device of the data forwarding device;  
and

wherein the act of determining differences, if any, between

- the at least the part of the set of candidate configuration information for the data forwarding device, and

- the at least the part of the selected set of configuration information for the data forwarding device,

is performed by a component of the data forwarding device. [Emphasis added.]

As discussed above, the Malik patent teaches a remote, centralized configuration management. For example, as shown in Figure 1, the configuration management system 18 is separate from the device of a live network 10 actually being configured.

The Examiner concedes that the Malik patent does not disclose that the act of determining differences is performed by a component of the data forwarding device (Paper No. 20060526, page 11.). In an attempt to compensate for this admitted deficiency, the Examiner states:

It is well known in the networking art that a computing device (i.e. computer) **can be** designated as a routing device similar to a router with the use of multiple NIC cards. Hence, a regular computer with multiple NIC cards installed can act as a routing device



in addition to performing the installed applications. Therefore, it would have been obvious to one of ordinary skill in the art at the time ... the invention was made to combine the teachings of Malik with the teachings of common knowledge in the networking art to present a computing device capable of comparing and determining the differences between the current running configuration performing the routing function of the computer and the potential replacement configuration, while performing routing functions at the same time. [Emphasis added.]

Paper No. 20060526, page 11.

Even assuming, arguendo, that having computers performing routing functions was known, one skilled in the art would not have been motivated to apply the verify function of the Malik patent locally. As discussed above, the Malik patent espouses centralized configuration management. For example, the Malik patent states, "the administrator may create new configurations, load these configurations to devices anywhere on the network, and then verify whether the configurations have changed." Column 3, lines 20-23.

***This remote, centralized configuration management does not teach, nor does it suggest, comparisons by a data forwarding device of configurations, for the data forwarding device, stored on the data forwarding device.***

Further, the purported fact that a computer ***can be*** modified to have routing capabilities would not have suggested to one skilled in the art to use the verification of the Malik patent locally, on a computer-based data forwarding device.

Accordingly, claim 10 is not rendered obvious by the Malik patent for at least the foregoing reason. Since claims 27, 28 and 33 depend from claim 10, these claims are similarly not rendered obvious by the Malik patent. Dependent claim 19 is similarly not rendered obvious (and is also allowable for the reasons described above with respect to claim 14, from which claim 19 depends).

**Claims 11, 29 and 30<sup>7</sup>**

Independent claim 11 is not rendered obvious by the Malik patent because the Malik patent neither teaches, nor suggests, determining differences, if any, between at least a part of a set of candidate configuration information for a data forwarding device, and at least a part of a selected set of configuration information for the data forwarding device, by considering changes to configuration statements **without regard to parameter values**. Claim 11 is reprinted below with this feature depicted in bold typeface:

11. A method comprising:
  - a) accepting at least a part of a selected set of configuration information for a data forwarding device;
  - b) accepting at least a part of a set of candidate configuration information for the data forwarding device; and
  - c) determining differences, if any, between
    - the at least a part of the set of candidate

---

<sup>7</sup> This claim was "withdrawn" with traverse. The propriety of the final Restriction Requirement has been petitioned, though a decision on that petition has not been made as of the time of the filing of this Appeal Brief.

configuration information  
for the data forwarding  
device, and  
- the at least a part of  
the selected set of  
configuration information  
for the data forwarding  
device  
wherein the set of  
candidate configuration information  
for the data forwarding device  
includes a plurality of statements,  
wherein the selected set of  
configuration information for the  
data forwarding device includes a  
plurality of statements, and  
**wherein the act of  
determining differences, if any,  
between**  
- the at least a part of the set of  
**candidate configuration information**  
for the data forwarding device, and  
- the at least a part of **the  
selected set of configuration  
information** for the data forwarding  
device, **considers changes to  
statements without regard to  
parameter values**. [Emphasis added.]

That is, in one embodiment consistent with the present invention, if the only difference between a statement in one configuration and a corresponding statement in another is a different parameter value, this difference is ignored by the comparison. The Malik patent neither teaches, nor suggests, this feature.

In a previous Office Action, the Examiner cited the model load and verify features of the Malik patent as teaching this feature. (See Paper No. 11182004, page 6.) However, as stated above, in the Malik patent, a verification step permits the comparison of **attribute/value pairs** of a configuration of a model with

**attribute/value pairs** of another configuration, and the display of the results of such a comparison. (See, e.g., column 9, lines 20-27.) More specifically, in the Malik patent, the verify option enables a user to verify whether **attribute values** of a model match **attribute values** of a created configuration. (See, e.g., column 8, lines 14-16.) Thus, the verify configuration function in the Malik patent is limited to comparing values of attributes in two configurations. The teaching does not extend to comparing statements in such configurations. Although the Examiner has rejected claim 11 as being obvious, he did not address the feature discussed above and has not established *prima facie* obviousness. (See, e.g., MPEP 2143.03.)

Since claims 29 and 30 depend from claim 11, they are similarly patentable

#### **Claim 24<sup>8</sup>**

Claim 24 is not rendered obvious by the Malik patent for at least the reasons discussed above with reference to claim 23, from which it depends.

#### **Group Consisting of Claims 31 and 32<sup>9</sup>**

Claims 31 and 32 are not rendered obvious by the Malik patent for at least the reasons discussed above with reference to claim 13, from which each of these claims depends.

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<sup>8</sup>This claim was "withdrawn" with traverse. The propriety of the final Restriction Requirement has been petitioned, though a decision on that petition has not been made as of the time of the filing of this Appeal Brief.

<sup>9</sup>These claims were "withdrawn" with traverse. The propriety of the final Restriction Requirement has been petitioned, though a decision on that petition has not been made as of the time of the filing of this Appeal Brief.

**XIII. Claims appendix**

An appendix containing a copy of the claims on appeal is filed herewith.

**IX. Evidence appendix**

There is no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132, nor is there any other evidence entered by the Examiner and relied upon by the appellant in the appeal.

**X. Related proceedings appendix**

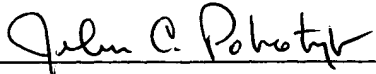
There are no decisions rendered by a court of the Board in any proceeding identified in section II above pursuant to 37 C.F.R. § 41.38 (c) (1) (ii).

**Conclusion**

In view of the foregoing, the Appellant respectfully submits that the pending claims are in condition for allowance. Accordingly, the Appellant requests that the Board reverse each of the outstanding grounds of rejection.

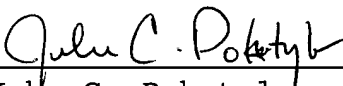
December 5, 2006

Respectfully submitted,

  
\_\_\_\_\_  
John C. Pokotylo, Attorney  
Reg. No. 36,242  
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**CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence is being deposited on **December 5, 2006** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to the Mail Stop Appeals-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
\_\_\_\_\_  
John C. Pokotylo

36,242  
Reg. No.



**EVIDENCE APPENDIX PURSUANT TO  
37 C.F.R. § 41.37 (c) (1) (ix)**

There is no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132, nor is there any other evidence entered by the Examiner and relied upon by the appellant in the appeal.



**RELATED PROCEEDINGS APPENDIX PURSUANT  
TO 37 C.F.R. § 41.37 (c) (1) (x)**

There are no decisions rendered by a court of the Board in any proceeding identified in section II of the Appeal Brief pursuant to 37 C.F.R. § 41.37 (c) (1) (ii).





**CLAIMS APPENDIX PUSUANT TO**  
**37 C.F.R. § 41.37 (c) (1) (viii)**

Claim 1 (canceled)

1 Claim 2 (withdrawn): The method of claim 4 wherein the  
2 selected set of configuration information for a data  
3 forwarding device is a most recently committed set of  
4 configuration information for the data forwarding device.

1 Claim 3 (withdrawn): The method of claim 4 wherein the  
2 selected set of configuration information for a data  
3 forwarding device is selected by a user.

1 Claim 4 (withdrawn): A method comprising:  
2 a) accepting at least a part of a selected set of  
3 configuration information for a data forwarding device;  
4 b) accepting at least a part of a set of candidate  
5 configuration information for the data forwarding device;  
6 and  
7 c) determining differences, if any, between  
8 - the at least a part of the set of candidate  
9 configuration information for the data forwarding  
10 device, and  
11 - the at least a part of the selected set of  
12 configuration information for the data forwarding  
13 device,  
14 wherein the set of candidate configuration information  
15 for the data forwarding device includes a plurality of  
16 statements,

17            wherein a first statement of the plurality of  
18 statements of the set of candidate configuration information  
19 for the data forwarding device contains a second statement of  
20 the plurality of statements to define at least a part of a  
21 hierarchical configuration,  
22            wherein the selected set of configuration  
23 information for the data forwarding device includes a  
24 plurality of statements,  
25            wherein a first statement of the plurality of  
26 statements of the selected set of configuration information  
27 for the data forwarding device contains a second statement of  
28 the plurality of statements to define at least a part of a  
29 hierarchical configuration,  
30            wherein the at least the part of the set of  
31 candidate configuration information only includes a defined  
32 first statement and any of the plurality of statements that  
33 are descendants of the defined first statement in the  
34 hierarchical configuration, and  
35            wherein the at least the part of the selected set of  
36 configuration information includes a corresponding first  
37 statement and any of the plurality of statements that are  
38 descendants of the defined first statement in the hierarchical  
39 configuration.

Claim 5 (canceled)

1 Claim 6 (withdrawn): The method of claim 4 wherein the  
2 defined first statement is defined based on a statement of the  
3 hierarchical candidate configuration information on which a  
4 user is presently working.

1 Claim 7 (withdrawn): The method of claim 4 wherein the  
2 defined first statement is defined by a user input.

1 Claim 8 (withdrawn): The method of claim 4 wherein the  
2 hierarchical configuration information includes at least two  
3 categories at a first hierarchical level, and  
4 wherein the at least two categories are selected  
5 from a group of data forwarding device configuration  
6 categories consisting of:

- 7 A) chassis configuration information;
- 8 B) class-of-service configuration information;
- 9 C) firewall configuration information;
- 10 D) forwarding-options configuration information;
- 11 E) groups configuration information;
- 12 F) interfaces configuration information;
- 13 G) policy-options configuration information;
- 14 H) protocols configuration information;
- 15 I) routing-instances configuration information;
- 16 J) routing-options configuration information;
- 17 K) network management protocol configuration  
18 information; and
- 19 L) system configuration information.

1 Claim 9 (withdrawn): The method of claim 4 wherein the  
2 hierarchical configuration information includes at least two  
3 categories at a given hierarchical level, the method further  
4 comprising:

- 5 d) associating a predetermined permission value with a  
6 user that is logged in; and
- 7 e) determining whether the logged in user is permitted  
8 to access one of the at least two categories of

configuration information based on the predetermined permission.

Claim 10 (previously presented): A method comprising:

a) accepting at least a part of a selected set of configuration information for a data forwarding device;  
b) accepting at least a part of a set of candidate configuration information for the data forwarding device;  
and

c) determining differences, if any, between  
- the at least a part of the set of candidate configuration information for the data forwarding device, and  
- the at least a part of the selected set of configuration information for the data forwarding device,

wherein the act of accepting at least a part of a selected set of configuration information for a data forwarding device is performed by accessing a storage device of the data forwarding device,

wherein the act of accepting at least a part of a set of candidate configuration information for the data forwarding device is performed by accessing a storage device of the data forwarding device; and

wherein the act of determining differences, if any, between

- the at least the part of the set of candidate configuration information for the data forwarding device, and  
- the at least the part of the selected set of configuration information for the data forwarding device,

30 is performed by a component of the data forwarding device.

1 Claim 11 (withdrawn): A method comprising:

2 a) accepting at least a part of a selected set of  
3 configuration information for a data forwarding device;  
4 b) accepting at least a part of a set of candidate  
5 configuration information for the data forwarding device;  
6 and

7 c) determining differences, if any, between  
8 - the at least a part of the set of candidate  
9 configuration information for the data forwarding  
10 device, and  
11 - the at least a part of the selected set of  
12 configuration information for the data forwarding  
13 device,

14 wherein the set of candidate configuration  
15 information for the data forwarding device includes a  
16 plurality of statements,

17 wherein the selected set of configuration  
18 information for the data forwarding device includes a  
19 plurality of statements, and

20 wherein the act of determining differences, if any,  
21 between

22 - the at least a part of the set of candidate  
23 configuration information for the data  
24 forwarding device, and

25 - the at least a part of the selected set of  
26 configuration information for the data  
27 forwarding device,

28 considers changes to statements without regard to parameter  
29 values.

Claim 12 (canceled)

1 Claim 13 (original): In a data forwarding device, a facility  
2 for checking at least a part of a set of candidate  
3 configuration information, the facility comprising:

4 a) a storage device for storing at least one set of  
5 configuration information for the data forwarding device;

6 b) an input facility for

7 i) accepting at least a part of a selected one of  
8 the at least one set of configuration information  
9 for a data forwarding device, and

10 ii) accepting at least a part of a set of candidate  
11 configuration information for the data forwarding  
12 device; and

13 c) a configuration comparison facility for determining  
14 differences, if any, between

15 - the at least a part of the set of candidate  
16 configuration information for the data forwarding  
17 device, and

18 - the at least a part of the selected one of the at  
19 least one set of configuration information for the  
20 data forwarding device.

1 Claim 14 (withdrawn): A method for determining differences in  
2 at least a part of sets of configuration information,  
3 comprising:

4 a) accepting at least a part of a first set of  
5 configuration information for a data forwarding device,  
6 wherein the first set of configuration information has  
7 not been saved on the data forwarding device as a  
8 committed configuration, and wherein no copied instance  
9 of the first set of configuration information has been

10 saved on the data forwarding device as a committed  
11 configuration;  
12 b) accepting at least a part of a second set of  
13 configuration information for the data forwarding device,  
14 wherein the second set of configuration information has  
15 been saved on the data forwarding device; and  
16 c) determining differences, if any, between  
17 - the first set of configuration information for a  
18 data forwarding device, and  
19 - the second set of configuration information for a  
20 data forwarding device.

1 Claim 15 (withdrawn): The method of claim 14 wherein the  
2 first set of configuration information for a data forwarding  
3 device includes a plurality of statements,  
4 wherein a first statement of the plurality of  
5 statements of the first set of configuration information for a  
6 data forwarding device contains a second statement of the  
7 plurality of statements to define at least a part of a  
8 hierarchical configuration,  
9 wherein the second set of configuration information  
10 for a data forwarding device includes a plurality of  
11 statements, and  
12 wherein a first statement of the plurality of  
13 statements of the second set of configuration information for  
14 a data forwarding device contains a second statement of the  
15 plurality of statements to define at least a part of a  
16 hierarchical configuration.

1 Claim 16 (withdrawn): The method of claim 15 wherein the at  
2 least the part of the first set of configuration information  
3 for a data forwarding device only includes a defined first

4 statement and any of the plurality of statements that are  
5 descendants of the defined first statement in the hierarchical  
6 configuration, and

7           wherein the at least the part of the second set of  
8 configuration information for a data forwarding device  
9 includes a corresponding first statement and any of the  
10 plurality of statements that are descendants of the defined  
11 first statement in the hierarchical configuration.

1 Claim 17 (withdrawn): The method of claim 16 wherein the  
2 defined first statement is defined by a user input.

1 Claim 18 (withdrawn): The method of claim 15 wherein the  
2 hierarchical configuration information includes at least two  
3 categories at a first hierarchical level, and

4           wherein the at least two categories are selected  
5 from a group of data forwarding device configuration  
6 categories consisting of:

- 7       A) chassis configuration information;
- 8       B) class-of-service configuration information;
- 9       C) firewall configuration information;
- 10      D) forwarding-options configuration information;
- 11      E) groups configuration information;
- 12      F) interfaces configuration information;
- 13      G) policy-options configuration information;
- 14      H) protocols configuration information;
- 15      I) routing-instances configuration information;
- 16      J) routing-options configuration information;
- 17      K) network management protocol configuration
- 18      information; and
- 19      L) system configuration information.



1 Claim 19 (withdrawn): The method of claim 14 wherein the act  
2 of accepting at least a part of the first set of configuration  
3 information for the data forwarding device is performed by  
4 accessing a storage device of the data forwarding device,  
5 wherein the act of accepting at least a part of the  
6 second set of configuration information for the data  
7 forwarding device is performed by accessing a storage device  
8 of the data forwarding device, and  
9 wherein the act of determining differences, if any,  
10 between  
11 - the first set of configuration information  
12 for the data forwarding device, and  
13 - the second set of configuration information  
14 for the data forwarding device,  
15 is performed by a component of the data forwarding device.

1 Claim 20 (withdrawn): The method of claim 14 wherein the  
2 first set of configuration information for a data forwarding  
3 device includes a plurality of statements, at least some of  
4 which define parameter values,  
5 wherein the second set of configuration information  
6 for the data forwarding device includes a plurality of  
7 statements, at least some of which define parameter values,  
8 and  
9 wherein the act of determining differences, if any,  
10 between  
11 - the first set of configuration information  
12 for the data forwarding device, and  
13 - the second set of configuration information  
14 for the data forwarding device,  
15 considers a selected one of (a) statements only, (b) parameter  
16 values only, and (c) statements and parameter values.

Claim 21 (cancelled)

1 Claim 22 (original): In a data forwarding device, a facility  
2 for comparing at least a part of sets of configuration  
3 information, the facility comprising:

4 a) a storage device for storing at least two sets of  
5 configuration information for the data forwarding device;

6 b) an input facility for

7 i) accepting at least a part of a first selected  
8 one of the at least two sets of configuration  
9 information for the data forwarding device, and

10 ii) accepting at least a part of a second selected  
11 one of the at least two sets of configuration  
12 information for the data forwarding device; and

13 c) a configuration comparison facility for determining  
14 differences, if any, between

15 - the first selected one of the at least two sets  
16 of configuration information for the data forwarding  
17 device, and

18 - the second selected one of the at least two sets  
19 of configuration information for the data forwarding  
20 device.

1 Claim 23 (withdrawn): A method comprising:

2 receiving with a data forwarding device, a first set of  
3 configuration information for the data forwarding device,  
4 wherein the first set of configuration information has not yet  
5 been committed on the data forwarding device, and wherein no  
6 copied instance of the first set of configuration information  
7 has been saved on the data forwarding device as a committed  
8 configuration;

9       receiving with the data forwarding device, a second set  
10 of configuration information for the data forwarding device;  
11       determining with the data forwarding device, differences  
12 between the first and second sets of configuration  
13 information.

1   Claim 24 (withdrawn): The method according to claim 23,  
2 wherein the data forwarding device is a router.

1   Claim 25 (previously presented): A data forwarding device  
2 comprising:  
3       a memory storing a first set of configuration information  
4 and a second set of configuration information for the data  
5 forwarding device; and  
6       a processing module for determining differences between  
7 the first and second sets of configuration information stored  
8 in the memory.

1   Claim 26 (previously presented): A data forwarding device  
2 comprising:  
3       a plurality of data interfaces for connection to  
4 respective data lines;  
5       a mechanism for forwarding data from one data interface  
6 to another data interface;  
7       a user interface for entering configuration information;  
8       a memory storing a first set of configuration information  
9 and a second set of configuration information; and  
10       a processing module for determining differences between  
11 the first and second sets of configuration information stored  
12 in the memory.

1 Claim 27 (previously presented): The method of claim 10  
2 wherein the selected set of configuration information for a  
3 data forwarding device is a most recently committed set of  
4 configuration information for the data forwarding device.

1 Claim 28 (previously presented): The method of claim 10  
2 wherein the selected set of configuration information for a  
3 data forwarding device is selected by a user.

1 Claim 29 (withdrawn): The method of claim 11 wherein the  
2 selected set of configuration information for a data  
3 forwarding device is a most recently committed set of  
4 configuration information for the data forwarding device.

1 Claim 30 (withdrawn): The method of claim 11 wherein the  
2 selected set of configuration information for a data  
3 forwarding device is selected by a user.

1 Claim 31 (withdrawn): The method of claim 14 wherein a  
2 command to save the first set of configuration information on  
3 the data forwarding device as a committed configuration has  
4 not occurred.

1 Claim 32 (withdrawn): The method of claim 14 wherein the  
2 first set of configuration information is from an uncommitted  
3 candidate configuration, and  
4 wherein the second set of configuration information is  
5 from a configuration that has been saved on the data  
6 forwarding device as a committed configuration.

1 Claim 33 (previously presented): The method of claim 10  
2 wherein the candidate set of configuration information is an  
3 uncommitted candidate configuration, and  
4 wherein the selected set of configuration information is  
5 a configuration that has been saved on the data forwarding  
6 device as a committed configuration



Handwritten initials: AEA, ZPW

Please type a plus sign (+) inside this box --->

Modified PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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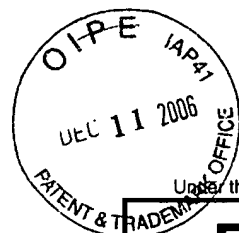
<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	09/734,324	
	<b>Filing Date</b>	December 1, 2000	
	<b>First Named Inventor</b>	Robert P. ENNS	
	<b>Group Art Unit</b>	2145	
	<b>Examiner Name</b>	Thomas Duong	
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b>	Juniper-10 (JNP-0044)

ENCLOSURES <i>(check all that apply)</i>		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Postcard Receipt <input type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
<b>Remarks</b>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	John C. Pokotylo (Reg. No. 36,242)
Signature	
Date	December 5, 2006

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: <span style="border: 1px solid black; padding: 2px;">December 5, 2006</span>	
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Date	December 5, 2006

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Modified PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032

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# FEE TRANSMITTAL for FY 2006

Effective 12/08/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 620.00

Application Number	09/734,324
Filing Date	December 1, 2000
First Named Inventor	Robert P. ENNS
Examiner Name	Thomas Duong
Art Unit	2145
Attorney Docket No.	Juniper-10 (JNP-0044)

**METHOD OF PAYMENT** (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
Deposit Account Name

50-1049

Straub &amp; Pokotylo

The Commissioner is authorized to: (check all that apply)

☒ Charge any underpayment of fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) due in connection with the filing submitted herewith☐ Charge fee(s) indicated below, except for the filing fee in the to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING, SEARCH & EXAMINATION FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee (\$)		
1000	500	Utility fee	
430	215	Design fee	
660	330	Plant fee	
1400	700	Reissue fee	
200	100	Provisional fee	
SUBTOTAL (1)			(\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent Claims		-20** =		X			
Multiple Dependent		-3** =		X			

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 50	2202 25	Claims in excess of 20
1201 200	2201 100	Independent claims in excess of 3
1203 360	2203 180	Multiple dependent claim, if not paid
1204 200	2204 100	**Reissue independent claims over original patent
1205 50	2205 25	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater, For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 120	2251 60	Extension for reply within first month	120.00
1252 450	2252 225	Extension for reply within second month	
1253 1,020	2253 510	Extension for reply within third month	
1254 1,590	2254 795	Extension for reply within fourth month	
1255 2,160	2255 1,080	Extension for reply within fifth month	
1401 500	2401 250	Notice of Appeal	
1402 500	2402 250	Filing a brief in support of an appeal	500.00
1403 1,000	2403 500	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 500	2452 250	Petition to revive - unavoidable	
1453 1,500	2453 750	Petition to revive - unintentional	
1501 1,400	2501 700	Utility issue fee (or reissue)	
1502 800	2502 400	Design issue fee	
1503 1,100	2503 550	Plant issue fee	
Petitions to the Commissioner - check fee sheet			
1807 50	1807 50	Processing fee under 37 CFR 1.17(c)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 620.00

**SUBMITTED BY**

(Complete (if applicable))

Name (Print/Type)	John C. Pokotylo	Registration No. (Attorney/Agent)	36,242	Telephone	(732) 542-9070
Signature	<i>John C. Pokotylo</i>	Date	December 5, 2006		

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